

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

HUMBERTO ROQUE BENAVIDES AND §  
HUMBERTO A. BENAVIDES A/N/F §  
M.E.B., MINOR §  
v. § Civil Action No. 5:20-cv-4  
TONY ANTHONY BALDRIDGE §  
§

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**DEFENDANT TONY ANTHONY BALDRIDGE'S NOTICE OF REMOVAL**

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**TO THE HONORABLE UNITED STATES DISTRICT JUDGE:**

Defendant Tony Anthony Baldridge (“Baldridge”) files this Notice of Removal pursuant to 28 U.S.C. § 1446(a) and respectfully shows the following:

*Procedural Background*

1. On October 31, 2019, Plaintiffs filed their Original Petition against diverse Defendant Tony Anthony Baldridge (“Baldridge”), styled Cause No. 2019CVA002168D2; *Humberto Roque Benavides Humberto A. Benavides A/N/F M.E.B., Minor v. Tony Anthony Baldridge* in the District Court 111<sup>th</sup> Judicial District Court, Webb County, Texas.

*Nature of the Suit*

2. This lawsuit involves claims for personal injuries arising out of an automobile accident, which occurred on February 23, 2019. Plaintiffs claim Tony Anthony Baldridge was negligent in his handling of his vehicle. Plaintiffs seek actual damages including past, and future medical expenses, past, and future loss of earning capacity, past, and future physical impairment, and past, and pain and mental anguish.

***Basis for Removal***

3. Removal is proper under 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. There is complete diversity of citizenship between the parties. At the time, Baldridge was served with the citation on December 10, 2019, and as of the date of filing this Notice' Baldridge was and is a citizen of Oklahoma. Accordingly, Baldridge was and is considered an out-of-state citizen for diversity jurisdiction purposes.

5. Upon information and belief, Plaintiffs were citizens of Texas when they filed their Original Petition, and continue to be a citizen of Texas.

6. Further, this Court has diversity jurisdiction over this matter because the amount in controversy could exceed \$75,000.00, exclusive of interest and costs. Plaintiffs plead in their Original Petition for the recovery of damages "not to exceed \$75,000.00, exclusive of interest and costs." (See Exhibit "A" Plaintiffs' Original Petition, ¶7). However, Plaintiffs may, at any point up and up until the deadline to amend pleadings, amend their Petition and plead for the recovery of damages exceeding \$75,000.00. Moreover, Plaintiffs' counsel stated that he is not agreeable to sign a binding stipulation, because the damages may exceed \$75,000.00. (See Exhibit "B" Email from Defense Counsel to Plaintiff's Counsel memorializing the conversation).

***The Removal is Procedurally Correct***

7. Plaintiffs filed suit against Defendant Baldridge in state court on October 31, 2019. Defendant filed a general denial in state court on January 3, 2019. (See Exhibit "A" Defendant Tony Anthony Baldridge's Original Answer).

8. Removal is timely pursuant to 28 U.S.C. § 1446(b) and (c) and *Thompson v. Deutsche Bank Nat. Trust Co.*, 775 F.3d 298 (5<sup>th</sup> Cir. 2014). In *Thompson*, the Fifth Circuit held that a defendant's right to removal under 28 U.S.C. § 1446(b) and (c) runs from the date it is formally served with process. Here, Baldridge was served on December 10, 2019.

9. Venue is proper in this district under 28 U.S.C. § 1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this district.

10. Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this notice.

11. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendant Baldridge files this Notice, written notice of filing of this Notice of Removal will be given to Plaintiffs, the adverse parties.

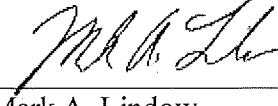
12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the Clerk of the 111<sup>th</sup> Judicial District Court of Webb County, Texas, promptly after Defendant Baldridge files this Notice.

WHEREFORE, Defendant Baldridge requests that this action be removed from the 111<sup>th</sup> Judicial District Court of Webb County, Texas to the United States District Court for Southern District of Texas, Laredo Division, and that this Court enter such further orders as may be necessary and appropriate.

WHEREFORE, Defendant Baldridge requests that this action be removed from the 111<sup>th</sup> Judicial District Court of Webb County, Texas to the United States District Court for Southern District of Texas, Laredo Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

LINDOW ■ STEPHENS ■ TREAT LLP

By: 

Mark A. Lindow  
Southern District Bar No. 12777  
One Riverwalk Place  
700 N. St. Mary's Street, Suite 1700  
San Antonio, Texas 78205  
(210) 227-2200 (telephone)  
(210) 227-4602 (facsimile)  
[mlindow@lstlaw.com](mailto:mlindow@lstlaw.com)

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant Tony Anthony Baldridge's Notice of Removal was served by facsimile and/or electronic service on the 9<sup>th</sup> day of **January, 2020**, upon the following:

Gene S. Hagood  
Joel Joseph  
Jessie J. Ormand  
Ryan King  
LAW OFFICES OF GENE S. HAGOOD  
1520 E. Highway 6  
Alvin, Texas 77511  
[firm@h-nlaw.com](mailto:firm@h-nlaw.com)  
[joel@h-nlaw.com](mailto:joel@h-nlaw.com)

  
Mark A. Lindow

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

HUMBERTO ROQUE BENAVIDES AND §  
HUMBERTO A. BENAVIDES A/N/F §  
M.E.B., MINOR §  
v. § Civil Action No. \_\_\_\_\_  
TONY ANTHONY BALDRIDGE §  
§

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**INDEX OF MATTERS BEING FILED**

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General Insurance Company of America's Notice of Removal.

Exhibit A: Copies of all process, pleadings, orders and the docket sheet on file in the state court lawsuit.

Exhibit B: Email from Defense Counsel to Plaintiff's Counsel memorializing the conversation

Exhibit C: A list of counsel of record.

# Exhibit A

1/9/2020

publicaccess.webbcountytx.gov/PublicAccess/CaseDetail.aspx?CaseID=825840

Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location : All Courts Help

**REGISTER OF ACTIONS**

CASE No. 2019CVA002168D2

HUMBERTO ROQUE BENAVIDES, HUMBERTO A BENAVIDES A/N/F M.E.B, §  
 A MINOR VS. TONY ANTHONY BALDRIDGE §  
 §  
 §  
 §  
 §

Case Type: Injury or Damage - Motor  
 Vehicle (DC)  
 Subtype: Motor Vehicle Accident (DC)  
 Date Filed: 10/31/2019  
 Location: --111th District Court

**PARTY INFORMATION**

Defendant BALDRIDGE, TONY ANTHONY

Attorneys  
 KATARZYNA WIKTORIA  
 DANIEC  
*Retained*  
 210-227-2200(W)

Plaintiff \*\*Confidential\*\*

GENE S HAGOOD  
*Retained*  
 281-331-5757(W)

Plaintiff BENAVIDES, HUMBERTO ROQUE

GENE S HAGOOD  
*Retained*  
 281-331-5757(W)

**EVENTS & ORDERS OF THE COURT**

OTHER EVENTS AND HEARINGS			
10/31/2019	Civil Case Filed (OCA)		
10/31/2019	Original Petition		
	PLAINTIFF'S ORIGINAL PETITION		
10/31/2019	Jury Demand		
	JURY DEMAND PAID BY ATTORNEY GENE S HAGOOD.		
11/04/2019	Calendar Call		
	CALENDAR CALL FAXED TO ATTORNEY GENE S HAGOOD. (DGC)		
11/04/2019	Citation-Issuance		
	(3) CITATIONS ISSUED AS TO TONY ANTHONY BALDRIDGE BY SERVING TEXAS SECRETARY OF STATE. (PLACED IN PRIVATE SERVER BASKET READY FOR PICK UP).		
11/04/2019	Citation		
	BALDRIDGE, TONY ANTHONY	Served	12/10/2019
		Returned	12/10/2019
12/10/2019	Citation Return-Executed		
	CITATION RETURNED EXECUTED AS TO TONY ANTHONY BALDRIDGE BY SERVING THE SECRETARY OF STATE. DATE OF SERVICE 12/10/19		
01/03/2020	Answer-Defendant		
	DEFENDANT TONY ANTHONY BALDRIDGE'S ORIGINAL ANSWER		
01/03/2020	Proposed Order		
	PROPOSED PRE-TRIAL GUIDELINE ORDER RECEIVED; SENT TO COURT COORDINATOR		
01/07/2020	Calendar Call (11:00 AM) (Judicial Officer Notzon, Monica Z.)		
01/09/2020	Notice-Miscellaneous		
	COURT ADVISORY AND NOTICE RE: SERVICE OF DOCUMENTS AND DATA.		
01/09/2020	Order-Pretrial Guideline Order		
	PRE-TRIAL GUIDELINE ORDER SIGNED 01/07/20. PRE-TRIAL: 09/01/20 AT 9:00 AM. TRIAL: 09/14/20 AT 8:00 AM. COPIES SENT TO COUNSEL OF RECORD BY COURT STAFF.		
09/01/2020	Pre-Trial Hearing (9:00 AM) (Judicial Officer Notzon, Monica Z.)		
09/14/2020	Jury Trial (8:00 AM) (Judicial Officer Notzon, Monica Z.)		

Secretary of State  
Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079



7190 1046 4701 0112 9366

**Return Receipt (Electronic)**

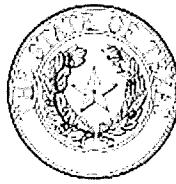
2020312365-1

Tony Anthony Baldridge  
15521 Dons Rd  
Oklahoma City, OK 73165

-----  
CUT / FOLD HERE

The State of Texas

Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079



Phone: 512-463-5560  
Fax: 512-463-0873  
Dial 7-1-1 For Relay Services  
[www.sos.texas.gov](http://www.sos.texas.gov)

Ruth R. Hughes  
Secretary of State

December 17, 2019

Tony Anthony Baldridge  
15521 Dons Rd  
Oklahoma City, OK 73165

2020-312365-1

Include reference number  
in all correspondence

RE: Humberto Roque Benavides and Humberto A Benavides anf M.E.B., minor Vs Tony Anthony Baldridge  
111th Judicial District Court Of Webb County, Texas  
Cause No. 2019CVA002168D2

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of the process received by the Secretary of State of the State of Texas on December 10, 2019.

CERTIFIED MAIL #71901046470101129366

Refer correspondence to:

Gene S. Hagood  
Law Offices of Gene S. Hagood  
1520 E. Highway 6  
Alvin, TX 77511

Sincerely,

Service of Process  
Government Filings  
512-463-1662  
GF/wj  
Enclosure

SERVE  
2019CVA002168D2

CITATION  
PLAINTIFFS' ORIGINAL PETITION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

BY SERVING

TO: TONY ANTHONY BALDRIDGE  
15521 DONS RD  
OKLAHOMA CITY OK 73165  
SECRETARY OF STATE  
FOR THE STATE OF TEXAS  
1019 BRAZOS STREET  
AUSTIN, TX 78701

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111th District Court of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2019CVA002168D2, styled:

HUMBERTO ROQUE BENAVIDES AND HUMBERTO A BENAVIDES A/N/F M.E.B., A MINOR, PLAINTIFF  
VS.

TONY ANTHONY BALDRIDGE, DEFENDANT

Said Plaintiff's Petition was filed on 10/31/2019 in said court by:

GENE S HAGOOD, ATTORNEY FOR PLAINTIFF  
1520 E HIGHWAY 6  
ALVIN TX 77511

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, on this the 4th day of November, 2019.

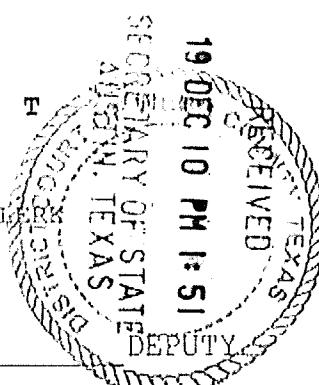
C L E R K O F C O U R T

CALENDAR CALL HEARING SET  
FOR 1/7/2020 @ 11:00AM

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

312365

BY: *Sara Lopez*  
Sara Lopez



2019CVA002168D2

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at  
O'CLOCK \_\_\_\_\_.M. Executed at  
\_\_\_\_\_, within the COUNTY of \_\_\_\_\_.  
at \_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2019, by delivering to the within named **TONY**  
**ANTHONY BALDRIDGE**, each, in person, a true copy of this citation  
together with the accompanying copy of the petition, having  
first attached such copy of such petition to such copy of  
citation and endorsed on such copy of citation the date of  
delivery.

The distance actually travelled by me in serving such process was miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

**SHERIFF, CONSTABLE**

COUNTY, TEXAS

BY \_\_\_\_\_ DEPUTY

THE STATE OF TEXAS }  
COUNTY OF WEBB }

day of \_\_\_\_\_, on the \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_, to certify which witness my hand and  
seal of office.

NOTARY PUBLIC  
MY COMMISSION EXPIRES

Filed  
10/31/2019 9:25 AM  
Esther Degollado  
District Clerk  
Webb District  
Dyana Cuellar  
2019CVA002168D2

NO. 2019CV002168D2

HUMBERTO ROQUE BENAVIDES AND § IN THE DISTRICT COURT OF  
HUMBERTO A. BENAVIDES A/N/F §  
M.E.B., MINOR §  
VS. § WEBB COUNTY, TEXAS  
TONY ANTHONY BALDRIDGE § III<sup>rd</sup> JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Humberto Roque Benavides and Humberto A. Benavides a/n/f M.E.B., minor, hereinafter referred to as Plaintiffs, complaining of Tony Anthony Baldridge; hereinafter referred to as Defendant, and would respectfully show to the Court as follows:

1. Discovery is intended to be conducted under Level 3, Texas Rules of Civil Procedure, Rule 190.4.
2. Plaintiffs are resident citizens of Laredo, Webb County, Texas.
3. Defendant, Tony Anthony Baldridge, is an individual, a resident and citizen of the State of Oklahoma. Therefore, this Defendant may be served with process by forwarding citation to the Secretary of State for the State of Texas, 1019 Brazos Street, Austin, Texas 78701, pursuant to Texas Civil Practice & Remedies Code Ann., § 17.044, who should then forward the citation to the Defendant at his residence address, to-wit: 15521 Dons Rd, Oklahoma City, OK 73165.
4. This Court has jurisdiction and venue of this case because this cause of action is for negligence and the subject matter of this lawsuit and the amount in controversy are all within the jurisdictional limits of this Court. Further, this Court has venue of this case because all or a substantial portion of the acts or events giving rise to

the cause of action and the acts and/or omissions of negligence that proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiffs occurred within the territorial limits of Webb County, State of Texas.

5. It has become necessary for your Plaintiffs to file this cause of action to recover compensatory damages for personal injuries received as a result of a motor vehicle collision that occurred on or about February 23, 2019. On such date, Plaintiff, Humberto Roque Benavides was traveling on Bob Bullock Loop, when Defendant, Tony Anthony Baldridge, traveling on IH 35, failed to stop at a red light and struck Plaintiffs' vehicle in the intersection. The minor Plaintiff, M.E.B., was a passenger in the Benavides vehicle. At all times material, Defendant, Tony Anthony Baldridge, is thought to be the owner of the vehicle he was driving at the time and on the occasion in question. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendant and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

6. At the time and on the occasion in question, the Defendant, Tony Anthony Baldridge, was negligent in the operation of the vehicle he was driving in one or more of the following particulars:

- a. Failure to keep a proper lookout;
- b. Failure to control speed;
- c. Failure to timely apply brakes;
- d. Failure to yield the right of way;

- e. Failure to stop for a red signal light (negligence per se);
- f. Distracted driving; and
- g. Failure to control his vehicle to avoid a collision

Such acts and/or omissions constitute negligence and negligence per se and such negligence, singularly or in combination and as the evidence will reveal as applicable, proximately caused the occurrence in question and the injuries and damages sustained by your Plaintiffs. Discovery is at its infancy in this case. Further information and evidence on these issues are, at this time, within the knowledge of Defendant and not Plaintiffs. However, this information can and will be obtained through legal discovery efforts that may possibly require additional or different allegations. Plaintiffs reserve the right to amend and/or supplement as allowed by the Texas Rules of Civil Procedure.

7. As a result of the acts and/or omissions that caused the injuries and damages referenced above, your Plaintiff, Humberto Roque Benavides, alleges that he sustained physical injuries and damages from which he now suffers and in all probability will continue to suffer into the future in terms of physical pain, mental anguish, physical impairment, loss of earning capacity and the incurring of medical and hospital bills and expenses in the past and in the future. Plaintiff, Humberto Roque Benavides, sues for these damages in an amount in excess of the minimum jurisdictional limits of the Court subject, however, to the following: Plaintiff alleges that in this lawsuit he will not accept or recover compensatory damages in excess of \$75,000.00, exclusive of interest and cost. Thus, Plaintiff stipulates and alleges in this lawsuit that it is a legal certainty that the compensatory damages he will accept and recover in the lawsuit do not exceed \$75,000.00, exclusive of interest and

costs. The Plaintiff also sues for pre-judgment and post-judgment interest on the items of damages allowed by law.

8. As a direct and proximate result of the negligence of the Defendant referenced above, your minor Plaintiff, M.E.B., through her Next Friend, alleges that she sustained physical injuries and damages from which they now suffer and in all probability will continue to suffer into the future in terms of physical pain, mental anguish, physical impairment, and the incurring of medical and hospital bills and expenses in the past and in the future (through her next friend until age 18, thereafter in her own right as allowed by law). Plaintiff sues for these damages in an amount in excess of the minimum jurisdictional limits of the Court subject, however, to the following: Plaintiff alleges that in this lawsuit she will not accept or recover compensatory damages in excess of \$75,000.00, exclusive of interest and cost. Thus, Plaintiff stipulates and alleges in this lawsuit that it is a legal certainty that the compensatory damages she will accept and recover in the lawsuit do not exceed \$75,000.00, exclusive of interest and costs. The Plaintiff also sues for pre-judgment and post-judgment interest on the items of damages allowed by law.

9. Plaintiffs demand a trial by jury on this case.

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that the Defendant be cited in terms of law to appear and answer herein and that upon final hearing Plaintiffs do have and recover of, from and against the Defendant for their compensatory damages, pre- and post-judgment interest, costs of Court, trial by jury and for such other and further relief, in law and in equity to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,  
LAW OFFICES OF GENE S. HAGOOD  
1520 E. Highway 6  
Alvin, Texas 77511

(281)331-5757  
Fax: (281)331-1105  
\*E-Service Email: firm@h-nlaw.com

BY: /s/ Gene S. Hagood  
GENE S. HAGOOD  
SBN 08698400  
JESSIE J. ORMAND  
SBN 24098209  
RYAN KING  
SBN 24073263  
Attorneys for Plaintiffs

\*E-SERVED DOCUMENTS ARE ONLY ACCEPTED AT THE ABOVE DESIGNATED E-SERVICE EMAIL ADDRESS. SERVICE ON ANY OTHER EMAIL ADDRESS WILL BE CONSIDERED INVALID.

Filed  
1/3/2020 2:49 PM  
Esther Degollado  
District Clerk  
Webb District  
Ana Byham  
019CVA002168D2

CAUSE NO. 2019CVA002168D2

HUMBERTO ROQUE BENAVIDES AND §  
HUMBERTO A. BENAVIDES A/N/F §  
M.E.B., MINOR §  
Plaintiff, §

V.

**TONY ANTHONY BALDRIDGE**  
**Defendant.**

**IN THE DISTRICT COURT**

## 111<sup>TH</sup> JUDICIAL DISTRICT

## WEBB COUNTY, TEXAS

**DEFENDANT TONY ANTHONY BALDRIDGE'S ORIGINAL ANSWER**

Defendant, Tony Anthony Baldridge files this original answer to Plaintiffs' Original Petition, and would respectfully show the following:

## J. GENERAL DENIAL

Defendant generally denies each and every allegation contained in Plaintiff's Original Petition pursuant to Texas Rule of Civil Procedure 92, and demands strict proof thereof by a preponderance of the credible evidence.

## II. AFFIRMATIVE DEFENSES

Defendant alleges that in the unlikely event Plaintiff is found to be entitled to any damages in this matter, which is denied, Plaintiff is not entitled to recover prejudgment interest on any future damages.

Defendant alleges any prejudgment interest recoverable is limited in accordance with the terms of Texas Finance Code Annotated § 304.101 *et. seq.*

Defendant alleges any post judgment interest recoverable is limited in accordance with Texas Finance Code Annotated § 304.003(c).

Defendant alleges that to the extent Plaintiff seeks recovery for medical bills, expenses, and services that were incurred, but were never charged to Plaintiff, or were never paid or incurred because it exceeded the amount authorized by Medicaid, private insurer or any other entity, Defendant asserts Plaintiff is not entitled to recover those amounts. Similarly, Defendant alleges that to the extent any healthcare provider has written off the charges for medical care, then Defendant is entitled to a credit or offset for the total amount of write-offs or expenditures incurred and paid by others accruing to Plaintiffs pursuant to Texas Civil Practice and Remedies Code § 41.0105.

### **III. JURY DEMAND**

Defendant demands a jury trial and tenders the appropriate fee in accordance with the Texas rules of Civil Procedure and the Local Rules of this jurisdiction.

### **IV. SPECIAL EXCEPTIONS**

Defendant specially excepts to Plaintiff's Original Petition. Specifically, Defendant specially excepts to Plaintiff's statement of damages. Plaintiff's Original Petition fails to provide a statement that the damages sought are within the jurisdictional limit of the court and fails to identify an appropriate range of damages required under Rule 47 of the Texas Rules of Civil Procedure. Defendant asks that Plaintiff voluntarily amend the Petition to provide a statement that the damages sought are within the jurisdictional limit of the court and identify an acceptable range of damages, or the Court to enter an Order requiring Plaintiff to do so. In the event Plaintiff pleads an acceptable range of damages but fails to identify a maximum amount claimed, pursuant to Rule 47(d),<sup>1</sup> Defendant asks that the Court require Plaintiff to amend the statement of damages.

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<sup>1</sup> “[T]hat upon special exception the court shall require the pleader to amend so as to specific the maximum amount claimed.” TEX. R. CIV. P. 47(d) (emphasis added).

**V. 193.7 NOTICE**

Pursuant to the Texas Rule of Civil Procedure 193.7, Defendant provides all parties notice that the production of any document in response to written discovery authenticates that document for use against that party in any pretrial proceeding or at trial.

**VI. REQUESTS FOR DISCLOSURE**

Pursuant to Texas Rules of Civil Procedure, Plaintiffs are requested to disclose and serve, within thirty (30) days of service of the Request, the information or material described in Rule 194.2(a) - (l). Plaintiffs shall supplement all disclosures pursuant to TEX. R. CIV. P. 193.5.

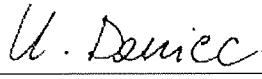
**VII. CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays for a judgment that Plaintiffs take nothing, that Defendant recover all his costs, and that Defendant be granted all other relief, at law and in equity, to which he may be justly entitled.

Respectfully submitted,

LINDOW ■ STEPHENS ■ TREAT LLP

By:

  
\_\_\_\_\_  
Katarzyna "Kasia" Daniec  
State Bar No. 24074109  
One Riverwalk Place  
700 N. St. Mary's Street, Suite 1700  
San Antonio, Texas 78205  
(210) 227-2200 (telephone)  
(210) 227-4602 (facsimile)  
[kdaniec@lstlaw.com](mailto:kdaniec@lstlaw.com)

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant Tony Anthony Baldridge's Original Answer was served by facsimile and/or electronic service on the 3<sup>rd</sup> day of **January, 2020**, upon the following:

Gene S. Hagood  
Jessie J. Ormand  
Ryan King  
LAW OFFICES OF GENE S. HAGOOD  
1520 E. Highway 6  
Alvin, Texas 77511  
[firm@h-nlaw.com](mailto:firm@h-nlaw.com)

K. Daniec  
Katarzyna "Kasia" Daniec



MONICA Z. NOTZON  
JUDGE, 111<sup>th</sup> DISTRICT COURT  
1110 VICTORIA SUITE #301 3<sup>rd</sup> FLOOR  
LAREDO, TEXAS 78040  
OFFICE (956)523-4230  
FAX (956)523-5088

ABEL SOLIZ  
CIVIL COURT COORDINATOR  
(956)523-4226

FERNANDO RAMOS  
BAILIFF  
(956)523-4227

November 04, 2019

CAUSE NO.: 2019CVA002168D2

STYLE: HUMBERTO ROQUE BENAVIDES; HUMBERTO A BENAVIDES A/N/E M.E.B. A MINOR  
VS  
TONY ANTHONY BALDRIDGE

### NOTICE OF CALENDAR CALL

Please take notice that this case is set for Calendar Call on 01/07/2020 at 11:00 AM at the 111<sup>th</sup> District Court, 3<sup>rd</sup> Floor, Webb County Justice Center.

All Calendar Call hearings will be in open Court and on the record before the Honorable Judge Monica Z. Notzon. Your presence is **MANDATORY** unless Counsel for Plaintiff(s) and Defendant(s) have in place a pre-trial guideline order with both Counsel and Judge's signatures prior to calendar call date. This guideline order should have all appropriate dates including pre-trial, jury selection and all deadlines.

Counsel for Plaintiff(s) please note that if you do not appear for calendar call your case may be dismissed for lack of prosecution.

Counsel for Defendant(s) please note that if you do not appear for calendar call, a pre-trial guideline order may be entered with or without your approval and/or signature.

If there are any questions regarding this matter please feel free to call our office at any time.

A handwritten signature in black ink, appearing to read "Abel Soliz".

Abel Soliz  
Civil Court Coordinator  
111<sup>th</sup> District Court

A handwritten signature in black ink, appearing to read "Abel Soliz".

A handwritten signature in black ink, appearing to read "Abel Soliz".



**MONICA Z. NOTZON**

**State District Judge**

111<sup>th</sup> Judicial District Court  
1110 Victoria Street, Ste. 301  
Laredo, Texas 78040  
(956) 523-4230 (956) 523-5088

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**To:** COUNSEL                    **From:** ABEL SOLIZ

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**Date:** 01/06/20                    **Pages:** 3

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**2019CVA002168D2**

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ATTORNEY RYAN KING (281) 331-1105  
ATTORNEY KATARZYNA WIKTORIA DANIEC (210) 227-4602

CAUSE NO. 2019CVAM02168 D2Humberto Roque Benavides  
et al.

IN THE DISTRICT COURT OF

VS.

WEBB COUNTY, TEXAS

Tony Anthony Baldridge111<sup>th</sup> JUDICIAL DISTRICTLevel One: \_\_\_\_\_ Level Two: \_\_\_\_\_ Level Three: Jury Trial/ Trial Date: 14 day of September, 2020 at 8:00 a.m.Estimated time/duration of trial: 2 - 3 days Final Pre-Trial Conference Date: 1 day of September, 2020 at 9:00 a.m. Plaintiffs and DefendantsMotions in Limine, Jury Questions, and Instructions shall be filed by the Final Pre-Trial Conference Date. All Plaintiffs and Defendants Exhibits and Witness Lists must be presented for inspection at the Final Pre-Trial Conference and the list must be provided to opposing counsel at the Final Pre-Trial. A prepared Charge of the Court, Witness List, Exhibit List and Motions in Limine shall be filed no later than 5:00 p.m. on the date of Pre-Trial. Anything not filed timely or without leave of court will not be considered at Trial.Plaintiff's Amended Pleadings will be due: June 19, 2020.Defendant's Amended Pleadings will be due: July 3, 2020.Deadline for Plaintiff to designate testifying experts: May 15, 2020.Deadline for Defendant to designate testifying experts: June 15, 2020.Deadline to conduct discovery will be 30 days prior to trial unless the case is a divorce case. If the case is a divorce case, discovery may be conducted up to the date of trial. August 4, 2020Deadline for Alternate Dispute Resolution: August 4, 2020MEDIATION SHALL BE ORDERED BY THE COURT IN ALL CONTESTED CASES AND ONLY THE COURT WILL APPOINT THE MEDIATOR.Deadline for Robinson Motion to Strike Expert Witness for lack of foundation for Opinion: July 15, 2020, Must be at least 60 days before trial.Motion for Summary Judgments need to be filed before: July 31, 2020. Must be at least 45 days before Pre-Trial.

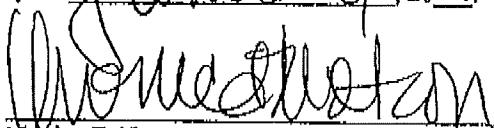
Interpreter: Yes/ No

Important: Court Reporter needs to know if a Daily Copy is needed: \_\_\_\_\_

If the case is a Level Three case, the Parties may enter into a Discovery Control Plan in accordance with Rule 190.4 of the Texas rules of Civil Procedure. In addition, either Party may request one or more Pre-Trial conferences in accordance with Rules 166 and 190.4 of the Texas Rules of Civil Procedure. The request for the Pre-Trial Conference must be filed no later than 90 days prior to the Trial date.

The Plaintiff(s) and the Defendant(s) acknowledge that this Pre-Trial Guideline Order shall constitute a binding agreement between the Parties as defined by Rule 11 of the Texas Rules of Civil Procedure and shall serve as modification of the discovery procedure as provided for in Rule 191.1 of the Texas Rules of Civil Procedure. Except as to the Trial date, the parties may, with approval of the Court, modify the deadlines set forth in this Order by an agreement that complies with Rule 11 of the Texas Rules of Civil Procedure.

Signed and approved the 7th day of January, 2020

  
Monica Z. Notzon

Monica Z. Notzon, Judge  
111th Judicial District Court

Ryan King  
Counsel for Plaintiff(s)  
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Wesley  
Counsel for Defendant(s)  
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Counsel for Defendant(s)  
Print Name: \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Fax No. \_\_\_\_\_

NO. 2019CVA002168 D2

HUMBERTO ROQUE BENAVIDES AND	§	IN THE DISTRICT COURT OF
HUMBERTO A. BENAVIDES A/N/F	§	
M.E.B., MINOR	§	
	§	
VS.	§	WEBB COUNTY, TEXAS
	§	
TONY ANTHONY BALDRIDGE	§	111 <sup>TH</sup> JUDICIAL DISTRICT

**COURT ADVISORY AND NOTICE RE: SERVICE OF DOCUMENTS AND DATA**

The Party Plaintiffs represented by the undersigned counsel's law firm in this case file and serve this referenced Court Advisory and Notice Re: Service of Documents and Data to provide clarity, avoid confusion and promote efficiency in the handling of this case by identifying the correct and only means by which service of documents and data to the undersigned counsel/law firm should be accomplished.

Service of documents and data pursuant to TCRP 21, 21a and all discovery material pursuant to TCRP 190 through 215, inclusive, must be served on the below counsel by any of the following means:

- a) **Service by Fascimile:** to the attorney in charge at the following fax number: 281-331-1105; or
- b) **Service by Email or Efiling:** to the attorney in charge at the following email address: firm@h-nlaw.com. If service is by email or eservice, every attachment must be in pdf format; or
- c) **Service by Common Carrier:** to the attorney in charge at the following address: Law Offices of Gene S. Hagood, 1520 E. Highway 6, Alvin, Texas 77511.

**NOTICE:** This law firm does not accept service of documents or data (to include but not limited to discovery responses) through any type repository requiring this law firm to sign-up, accept terms to gain access or is otherwise remote access/off site for this law firm or is of limited/temporary time limited, including, for example, internal company, law firm or insurance company portals.

This law firm accepts service of documents and data through its eService email of firm@h-nlaw.com, Dropbox, fascimile to 281-331-1105 (please do not fax photographs), CDs, thumb/flash drives or through the mail.

This Advisory and Notice does not obviate or supercede normal correspondence and communication (fax, email or common carrier) between or among counsel, their staff or associates to carry on the usual business and cooperative efforts in the handling of this case (including, *e.g.* scheduling matters, discovery disputes, etc.); rather, it clarifies the correct and only means the undersigned counsel/law firm will accept formal/legal service of the identified documents and data for this case.

Respectfully submitted,  
LAW OFFICES OF GENE S. HAGOOD  
1520 E. Highway 6  
Alvin, Texas 77511  
(281) 331-5757  
Fax: (281) 331-1105  
\*E-Service Email: [firm@h-nlaw.com](mailto:firm@h-nlaw.com)

BY: */s/ Joel Joseph*  
GENE S. HAGOOD  
SBN 08698400  
JESSIE J. ORMAND  
SBN 24098209  
RYAN KING  
SBN 24073263  
JOEL JOSEPH  
SBN 24106153  
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify pursuant to Rule 21, T.R.C.P., that on this the 9<sup>th</sup> day of January, 2020, a true and correct copy of the foregoing instrument was forwarded to all counsel of record, by facsimile and/or electronic transmission as follows:

Ms. Katarzyna "Kasiaq" Daniec, Lindow, Stephens & Treat, LLP, 700 N. St. Mary's St., Suite 1700, San Antonio, TX 78205

*/s/ Joel Joseph*  
JOEL JOSEPH

\*E-Served Documents Are Only Accepted At The Above Designated E-Service Email Address. Service On Any Other Email Address Will Be Considered Invalid.

# Exhibit B

**Mary Tamez**

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**From:** Joel Joseph <joel@h-nlaw.com>  
**Sent:** Thursday, January 9, 2020 11:07 AM  
**To:** Cathy Tillinger; Ryan King; Kasia Daniec  
**Cc:** Gene S. Hagood  
**Subject:** Re: FW: Humberto Roque Benavides Humberto A. Benavides A/N/F M.E.B., Minor v. Tony Anthony Baldridge

I received the email you sent to Cathy with my office. It appears you misunderstood me and are purposely ignoring the allegations in Plaintiff's Petition in an effort to improperly remove this case to Federal court. As clearly stated in Plaintiff's Petition, "Plaintiff alleges that in this lawsuit he will not accept or recover compensatory damages in excess of \$75,000.00, exclusive of interest and cost. Thus, Plaintiff stipulates and alleges in this lawsuit that it is a legal certainty that the compensatory damages he will accept and recover in the lawsuit do not exceed \$75,000.00, exclusive of interest and costs." Plaintiff's damages in this case will not exceed \$75,000.00. Please include this email as part of your court filing so that there is no misrepresentation to the court regarding Plaintiff's allegations.

On Thu, Jan 9, 2020 at 10:49 AM Cathy Tillinger <[cathy@h-nlaw.com](mailto:cathy@h-nlaw.com)> wrote:

**From:** Kasia Daniec [mailto:[KDaniec@lstlaw.com](mailto:KDaniec@lstlaw.com)]  
**Sent:** Thursday, January 09, 2020 10:34 AM  
**To:** [firm@h-nlaw.com](mailto:firm@h-nlaw.com); [cathy@h-nlaw.com](mailto:cathy@h-nlaw.com)  
**Cc:** Mary Tamez <[mtamez@lstlaw.com](mailto:mtamez@lstlaw.com)>; Laurie Johnson <[ljohnson@lstlaw.com](mailto:ljohnson@lstlaw.com)>  
**Subject:** Humberto Roque Benavides Humberto A. Benavides A/N/F M.E.B., Minor v. Tony Anthony Baldridge

Cathy,

Please forward this communication to Mr. Hagood and Mr. Joel Joseph as they have not provided us with their email addresses.

Joel,

Per our telephonic conversation with you yesterday, you are **not** in agreement to sign the binding stipulation capping the damages to not exceed \$75,000.00 because, as you have stated, the damages may exceed that figure. I will be attaching this email to my court filings.

*Sincerely,*

*Kasia Daniel*

**Attorney at Law**  
**LINDOW ■ STEPHENS ■ TREAT LLP**

ONE RIVERWALK PLACE

700 N St. Mary's Street, Suite 1700

San Antonio, Texas 78205

Telephone: (210) 227-2200 Ext. 223

Facsimile: (210) 227-4602

Email: [kdaniec@lstlaw.com](mailto:kdaniec@lstlaw.com)



**LINDOW  
STEPHENS  
TREAT LLP**

THIS EMAIL TRANSMISSION IS COVERED BY THE ELECTRONIC COMMUNICATIONS PRIVACY ACT, 18 U.S.C. SEC. 2510-2521 AND IS LEGALLY PRIVILEGED, CONFIDENTIAL AND PROTECTED FROM DISCLOSURE. THIS MESSAGE AND THE DOCUMENTS ATTACHED TO IT, IF ANY, ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN ATTORNEY WORK PRODUCT. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE DELETE ALL ELECTRONIC COPIES OF THE MESSAGE AND ITS ATTACHMENTS, DESTROY ANY HARD COPIES THAT YOU MAY HAVE CREATED, AND NOTIFY ME IMMEDIATELY AT (210) 227-2200. THANK YOU.

# Exhibit C

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

HUMBERTO ROQUE BENAVIDES AND §  
HUMBERTO A. BENAVIDES A/N/F §  
M.E.B., MINOR §  
v. §  
TONY ANTHONY BALDRIDGE §  
§  
§

Civil Action No. \_\_\_\_\_

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LIST OF ALL COUNSEL OF RECORD

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<u>Party</u>	<u>Attorney(s)</u>
Humberto Roque Benavides and Humberto A. Benavides A/N/F M.E.B., Minor	Gene S. Hagood State Bar No. 08698400 Joel Joseph State Bar No. 24106153 Jessie J. Ormand State Bar No. 24098209 Ryan King State Bar No. 24073263 LAW OFFICES OF GENE S. HAGOOD 1520 E. Highway 6 Alvin, Texas 77511 Telephone: 281-331-5757 Facsimile: 281-331-1105 <a href="mailto:firm@h-nlaw.com">firm@h-nlaw.com</a>
Tony Antony Baldridge	Mark A. Lindow Southern District No. 12777 LINDOW STEPHENS TREAT LLP One Riverwalk Place 700 N. St. Mary's Street, Suite 1700 San Antonio, Texas 78205 Telephone: 210-227-2200 Facsimile: 210-227-4602 <a href="mailto:mlindow@lstlaw.com">mlindow@lstlaw.com</a>